

SECOND REGULAR SESSION

# HOUSE BILL NO. 1549

## 91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE LAWSON.

Read 1<sup>st</sup> time January 21, 2002, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

3788L.011

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### AN ACT

To repeal sections 247.030, 247.031, 247.040, 247.085, 247.215, 247.217, and 247.220, RSMo, and to enact in lieu thereof seven new sections relating to public water supply districts.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 247.030, 247.031, 247.040, 247.085, 247.215, 247.217, and  
2 247.220, RSMo, are repealed and seven new sections enacted in lieu thereof, to be known as  
3 sections 247.030, 247.031, 247.040, 247.085, 247.215, 247.217, and 247.220, to read as follows:

247.030. 1. Territory that may be included in a district sought to be incorporated or  
2 enlarged may be wholly within one or in more than one county, may take in school districts or  
3 parts thereof, and cities that do not have a waterworks system or cities whose governing body  
4 has by a majority vote requested that the city or part thereof be included within the boundaries  
5 of a public water supply district. For the purpose of this section, "city" means any city, town or  
6 village. The territory, however, shall be contiguous, and proceedings to incorporate shall be in  
7 the circuit court of the county in which the largest acreage is located. No two districts shall  
8 overlap.

9 2. Any two or more contiguous districts or any city and a contiguous district may, if there  
10 are no outstanding general obligation bonds relating to drinking water supply projects in either  
11 entity, by a majority vote of the governing body of each entity, provide for territory located in  
12 one entity to be annexed and served by the entity contiguous to the annexed territory. Notice of  
13 the proposed annexation shall be filed with the circuit court that originally issued the decree of  
14 incorporation for a district which is detaching territory through the proposed annexation or with  
15 the circuit court that originally issued the decree of incorporation for a district which is including

**EXPLANATION — Matter enclosed in bold faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 a city or part thereof through the proposed annexation. The court shall set a date for a hearing  
17 on the proposed annexation and shall cause notice to be published in the same manner as for the  
18 filing of the original petition for incorporation; except that publication of notice shall not be  
19 required if a majority of the landowners in the territory proposed to be annexed consent in  
20 writing, and if notice of the hearing is posted in three public places within the territory proposed  
21 to be annexed at least seven days before the date of the hearing. If publication of the notice is  
22 not required pursuant to this section, the court shall only approve the proposed annexation if  
23 there is sworn testimony by at least five landowners in the area of the proposed annexation, or  
24 a majority of the landowners, if there are fewer than ten landowners in the area. If the court, after  
25 the hearing, finds that the proposed annexation would not be in the public interest, it shall order  
26 that the annexation not be allowed. If the court finds the proposed annexation to be in the public  
27 interest, it shall approve the annexation [and the territory shall be detached from the one entity  
28 and annexed to the other]; **provided that, if all or part of a city is being acquired by a**  
29 **district, the requirements of section 88.770, RSMo, must first be met by the city. In the**  
30 **event that the district or city from which territory is being detached has outstanding**  
31 **contractual liquidated obligations or revenue bonds for debt that pertains to its water**  
32 **system that are unpaid, the acquiring district or city shall show to the court that it will pay**  
33 **or assume and agree to pay that proportion of the sum of all such existing contractual**  
34 **liquidated obligations and of all unpaid revenue bonds, with interest thereon to date, as the**  
35 **assessed valuation of the real and tangible personal property within the area annexed bears**  
36 **to the assessed valuation of all the real and tangible personal property of the entire district**  
37 **or city from which the annexed area is being acquired, unless the entities agree otherwise**  
38 **and the court finds that such agreement adequately protects the holders of such obligations**  
39 **and bonds. Upon the court finding that all of such requirements have been met, the court**  
40 **shall order the territory to be attached to the annexing entity and detached from the other**  
41 **entity.** After the annexation is approved, the circuit court in which each district involved in the  
42 proceedings was incorporated shall amend the decree of incorporation for each district to reflect  
43 the change in the boundaries as a result of the annexation and [to] redivide each district into five  
44 subdistricts, fixing their boundary lines so that each of the five subdistricts have approximately  
45 the same area. A certified copy of the amended decree showing the boundary change and the  
46 new subdistricts shall be filed in the office of the recorder of deeds and in the office of the county  
47 clerk in each county having territory in the district and in the office of the secretary of state of  
48 the state of Missouri.

49 3. The boundaries of any district may be extended or enlarged from time to time upon  
50 the filing, with the clerk of the circuit court having jurisdiction, of a petition by either:

51 (1) The board of directors of the district and five or more voters **or landowners** within

52 the territory proposed to be annexed by the district; or

53 (2) **The board of directors of the district and** a majority of the landowners within the  
54 territory proposed to be annexed to the district.

55

56 **If the petition is filed by the board of directors of the district and five or more voters or**  
57 **landowners within the territory proposed to be annexed by the district, the same**  
58 **proceedings shall be followed as are provided in section 247.040 for the filing of a petition**  
59 **for the organization of the district, except that no election shall be held. Upon entry of a**  
60 **final order declaring the court's decree of annexation to be final and conclusive, the court**  
61 **shall modify or rearrange the boundary lines of the subdistricts as may be necessary or**  
62 **advisable.** If the petition is filed by **the board of directors of the district and** a majority of the  
63 landowners within the territory proposed to be annexed, the publication of notice shall not be  
64 required, provided notice is posted in three public places within the territory proposed to be  
65 annexed at least seven days before the date of the hearing and provided that there is sworn  
66 testimony by at least five landowners in the territory proposed to be annexed, or a majority of the  
67 landowners if the total landowners in the area are fewer than ten. **If the court finds that the**  
68 **annexation of such territory would be in the public interest, the court shall enter its order**  
69 **granting such annexation.** Upon the entry of [a final] **such** order [declaring the court's decree  
70 of annexation to be final and conclusive], the court shall modify or rearrange the boundary lines  
71 of the subdistricts as may be necessary or advisable. The costs incurred in the enlargement or  
72 extension of the district shall be taxed to the district, if the district be enlarged or extended,  
73 otherwise against the petitioners; provided, however, that no costs shall be taxed to the directors  
74 of the district.

75 4. Should any [voter] **landowner** who owns real estate that abuts upon a district once  
76 formed desire to have such real estate incorporated in the district, the [voter] **landowner** shall  
77 first petition the board of directors thereof for its approval. If such approval be granted, the clerk  
78 of the board shall endorse a certificate of the fact of approval by the board upon the petition. The  
79 petition so endorsed shall be filed with the clerk of the circuit court in which the district is  
80 incorporated. It shall then be the duty of the court to amend the boundaries of such district by  
81 a decree incorporating the real estate in the same. A certified copy of this decree including the  
82 real estate in the district shall then be filed in the office of the recorder and in the office of the  
83 county clerk of the county in which the real estate is located, and in the office of the secretary  
84 of state. The costs of this proceeding shall be borne by the petitioning property owner.

247.031. 1. Territory included in a district that is not being served by such district may  
2 be detached from such district provided that there are no outstanding general obligation or  
3 special obligation bonds and no contractual obligations of greater than twenty-five thousand

4 dollars for debt that pertains to infrastructure, fixed assets or obligations for the purchase of  
5 water. If any such bonds or debt is outstanding, and the written consent of the holders of such  
6 bonds or the creditors to such debt is obtained, then such territory may be detached in spite of  
7 the existence of such bonds or debt, except such consent shall not be required for special  
8 obligation bonds if the district has no water lines or other facilities located within any of the  
9 territory detached. Detachment may be made by the filing of a petition with the circuit court in  
10 which the district was incorporated. The petition shall contain a description of the tract to be  
11 detached and a statement that the detachment is in the best interest of the district or the  
12 inhabitants and property owners of the territory to be detached, together with the facts supporting  
13 such allegation. The petition may be submitted by the district acting through its board of  
14 directors, in which case the petition shall be signed by a majority of the board of directors of the  
15 district. The petition may also be submitted by voters residing in **or by landowners owning**  
16 **land in** the territory sought to be detached. If there are more than ten voters **and landowners**  
17 in such territory, the petition shall be signed by five or more voters [residing in] **or landowners**  
18 **within** the territory; if there are less than ten voters [residing in] **and landowners within** such  
19 territory, the petition shall be signed by fifty percent or more of the voters [residing in] **and**  
20 **landowners within** the territory. In the event there are no voters living within such territory  
21 proposed to be detached, then the petition may be submitted by owners of more than fifty percent  
22 of the land in the territory proposed to be detached, in which case said petition shall be signed  
23 by the owners so submitting the petition.

24         2. Such petition shall be filed in the circuit court having jurisdiction and the court shall  
25 set a date for hearing on the proposed detachment and the clerk shall give notice thereof in three  
26 consecutive issues of a weekly newspaper in each county in which any portion of the territory  
27 proposed to be detached lies, or in lieu thereof, in twenty consecutive issues of a daily newspaper  
28 in each county in which any portion of the tract proposed to be detached lies; the last insertion  
29 of the notice to be made not less than seven nor more than twenty-one days before the hearing.  
30 Such notice shall be substantially as follows: IN THE CIRCUIT COURT OF ..... COUNTY,  
31 MISSOURI NOTICE OF THE FILING OF A PETITION FOR TERRITORIAL  
32 DETACHMENT FROM PUBLIC WATER SUPPLY DISTRICT NO. .... OF .....  
33 COUNTY, MISSOURI.

34         To all voters and landowners of land within the boundaries of the above-described  
35 district:

36         You are hereby notified:

37         1. That a petition has been filed in this court for the detachment of the following tracts  
38 of land from the above-named public water supply district, as provided by law: (Describe tracts  
39 of land).

40           2. That a hearing on said petition will be held before this court on the ..... day of .....,  
41 20 ..., at ....., ....m.

42           3. Exceptions or objections to the detachment of said tracts from said public water  
43 supply district may be made by any voter or landowner of land within the district from which  
44 territory is sought to be detached, provided such exceptions or objections are in writing not less  
45 than five days prior to the date set for hearing on the petition.

46           4. The names and addresses of the attorneys for the petitioner are:  
47 ..... Clerk of the Circuit Court of ..... County, Missouri

48           3. The court, for good cause shown, may continue the case or the hearing thereon from  
49 time to time until final disposition thereof.

50           4. Exceptions or objections to the detachment of such territory may be made by any voter  
51 or landowner within the boundaries of the district, including the territory to be detached. The  
52 exceptions or objections shall be in writing and shall specify the grounds upon which they are  
53 made and shall be filed not later than five days before the date set for hearing the petition. If any  
54 such exceptions or objections are filed, the court shall take them into consideration when  
55 considering the petition for detachment and the evidence in support of detachment. If the court  
56 finds that the detachment will be in the best interest of the district and the inhabitants and  
57 landowners of the area to be detached will not be adversely affected or if the court finds that the  
58 detachment will be in the best interest of the inhabitants and landowners of the territory to be  
59 detached and will not adversely affect the remainder of the district, it shall approve the  
60 detachment and grant the petition.

61           5. If the court approves the detachment, it shall make its order detaching the territory  
62 described in the petition from the remainder of the district, or in the event it shall find that only  
63 a portion of said territory should be detached, the court shall order such portion detached from  
64 the district. The court shall also make any changes in subdistrict boundary lines it deems  
65 necessary to meet the requirements of sections 247.010 to 247.220. Any subdistrict line changes  
66 shall not become effective until the next annual election of a member of the board of directors

67           6. A certified copy of the court's order shall be filed in the office of the recorder and in  
68 the office of the county clerk in each county in which any of the territory of the district prior to  
69 detachment is located, and in the office of the secretary of state. Costs of the proceeding shall  
70 be borne by the petitioner or petitioners.

247.040. 1. Proceedings for the formation of a public water supply district shall be  
2 substantially as follows: a petition in duplicate describing the proposed boundaries of the district  
3 sought to be formed, accompanied by a plat of the proposed district, shall be filed with the clerk  
4 of the circuit court of the county wherein the proposed district is situate, or with the clerk of the  
5 circuit court of the county having the largest acreage proposed to be included in the proposed

6 district, in the event that the proposed district embraces lands in more than one county. Such  
7 petition, in addition to such boundary description, shall set forth an estimate of the number of  
8 customers of the proposed district, the necessity for the formation of the district, the probable  
9 cost of the improvement, an approximation of the assessed valuation of taxable property within  
10 the district and such other information as may be useful to the court in determining whether or  
11 not the petition should be granted and a decree of incorporation entered. Such petition shall be  
12 accompanied by a cash deposit of fifty dollars as an advancement of the costs of the proceeding,  
13 and the petition shall be signed by not less than fifty voters **or owners of real property** within  
14 the proposed district and shall pray for the incorporation of the territory therein described into  
15 a public water supply district. The petition shall be verified by at least one of the signers thereof

16 2. Upon the filing of the petition, the same shall be presented to the circuit court, and  
17 such court shall fix a date for a hearing on such petition, as herein provided for. Thereupon the  
18 clerk of the court shall give notice of the filing of the petition in some newspaper of general  
19 circulation in the county in which the proceedings are pending, and if the district extends into  
20 any other county or counties, such notice shall also be published in some newspaper of general  
21 circulation in such other county or counties. The notice shall contain a description of the  
22 proposed boundary lines of the district and the general purposes of the petition, and shall set  
23 forth the date fixed for the hearing on the petition, which shall not be less than [fifteen] **seven**  
24 nor more than twenty-one days after the date of the last publication of the notice and shall be on  
25 some regular judicial day of the court wherein the petition is pending. Such notice shall be  
26 signed by the clerk of the circuit court and shall be published in three successive issues of a  
27 weekly newspaper or in twenty successive issues of a daily newspaper **once a week for three**  
28 **consecutive weeks**.

29 3. The court, for good cause shown, may continue the case or the hearing thereon from  
30 time to time until final disposition thereof.

31 4. Exceptions to the formation of a district, or to the boundaries outlined in the petition  
32 for the incorporation thereof, may be made by any voter **or owner of real property in the**  
33 proposed district; provided, such exceptions are filed not less than five days prior to the date set  
34 for the hearing on the petition. Such exceptions shall specify the grounds upon which the  
35 exceptions are being made.

36

37 If any such exceptions be filed, the court shall take them into consideration in passing upon the  
38 petition and shall also consider the evidence in support of the petition and in support of the  
39 exceptions made. Should the court find that the petition should be granted but that changes  
40 should be made in the boundary lines, it shall make such changes in the boundary lines as set  
41 forth in the petition as to the court may seem meet and proper, and thereupon enter its decree of

42 incorporation, with such boundaries as changed.

43         5. Should the court find that it would not be to the public interest to form such a district,  
44 the petition shall be dismissed at the costs of the petitioners. If, however, the court should find  
45 in favor of the formation of such district, the court shall enter its decree of incorporation, setting  
46 forth the boundaries of the proposed district as determined by the court pursuant to the aforesaid  
47 hearing. The decree of incorporation shall also divide the district into five subdistricts and shall  
48 fix their boundary lines, all of which subdistricts shall have approximately the same area and  
49 shall be numbered. The decree shall further contain an appointment of one voter from each of  
50 such subdistricts, to constitute the first board of directors of the district. No two members of  
51 such board so appointed or hereafter elected or appointed shall reside in the same subdistrict,  
52 except as provided in section 247.060. If no qualified person who lives in the subdistrict is  
53 willing to serve on the board, the court may appoint, or the voters may elect, an otherwise  
54 qualified person who lives in the district but not in the subdistrict. The court shall designate two  
55 of such directors so appointed to serve for a term of two years and one to serve for a term of one  
56 year. And the directors thus appointed by the court shall serve for the terms thus designated and  
57 until their successors shall have been appointed or elected as herein provided. The decree shall  
58 further designate the name and number of the district by which it shall hereafter be officially  
59 known.

60         6. The decree of incorporation shall not become final and conclusive until it shall have  
61 been submitted to the voters residing within the boundaries described in such decree and until  
62 it shall have been assented to by a majority of the voters as provided in subsection 9 of this  
63 section or by two-thirds of the voters of the district voting on the proposition. The decree shall  
64 provide for the submission of the question and shall fix the date thereof. The returns shall be  
65 certified by the judges and clerks of election to the circuit court having jurisdiction in the case  
66 and the court shall thereupon enter its order canvassing the returns and declaring the result of  
67 such election.

68         7. If, upon canvass and declaration, it is found and determined that the question shall  
69 have been assented to by a majority of two-thirds of the voters of the district voting on such  
70 proposition, then the court shall, in such order declaring the result of the election, enter a further  
71 order declaring the decree of incorporation to be final and conclusive. In the event, however, that  
72 the court should find that the question had not been assented to by the majority above required,  
73 the court shall enter a further order declaring such decree of incorporation to be void and of no  
74 effect. No appeal shall lie from any such decree of incorporation nor from any of the aforesaid  
75 orders. In the event that the court declares the decree of incorporation to be final, as herein  
76 provided for, the clerk of the circuit court shall file certified copies of such decree of  
77 incorporation and of such final order with the secretary of state of the state of Missouri, and with

78 the recorder of deeds of the county or counties in which the district is situate and with the clerk  
79 of the county commission of the county or counties in which the district is situate.

80 8. The costs incurred in the formation of the district shall be taxed to the district, if the  
81 district be incorporated otherwise against the petitioners.

82 9. If petitioners seeking formation of a public water supply district specify in their  
83 petition that the district to be organized shall be organized without authority to issue general  
84 obligation bonds, then the decrees relating to the formation of the district shall recite that the  
85 district shall not have authority to issue general obligation bonds and the vote required for such  
86 a decree of incorporation to become final and conclusive shall be a simple majority of the voters  
87 of the district voting on such proposition.

247.085. 1. The board of directors of any public water supply district which is  
2 dependent upon purchases of water to supply its needs shall have power to sell and convey part  
3 or all of the property of the district to any city, owning and operating a waterworks system, in  
4 consideration whereof the city shall obligate itself to pay or assume the payment of all  
5 outstanding bond obligations of the district, and to provide reasonable and adequate water  
6 service and furnish water ample in quantity for all needful purposes, and pure and wholesome  
7 in quality, to the inhabitants of the territory lying within the district, during such period of time  
8 and under such terms and conditions as may be agreed upon by the city and the board of directors  
9 of the district; provided, however, that no action shall be taken as provided herein until said city  
10 and public water supply district shall cause a printed notice of their intention to act under this  
11 section to be published in a manner prescribed for by law in a newspaper having a general  
12 circulation in said city and public water supply district, and a statement of the time and manner  
13 of said publication shall be recited in any agreement or contract executed hereunder.

14 2. Thereafter the board of directors may sell and convey any remaining property of the  
15 district and after payment of the debts of the district, other than bond obligations, the board of  
16 directors may use the funds of the district for the purpose of providing fire protection or for any  
17 other public purpose which in the opinion of the board will be beneficial to the inhabitants of the  
18 district, **or in the event that the board of directors sells part or all of the water system of the**  
19 **district to any city as provided in this section, and the district has not had general**  
20 **obligation bonds outstanding within five years preceding the date of such sale, the board**  
21 **of directors may distribute to the water users of the district as of the date of the sale of the**  
22 **water system of the district to such city all or any portion of such funds, after payment of**  
23 **all debts, other than bond obligations, on a pro rata basis. For the purposes of this**  
24 **subsection, any purchaser of water from such district for resale and any purchaser of**  
25 **water who has not purchased water from the district continuously for twelve consecutive**  
26 **months immediately preceding the date of such sale shall not be considered a water user**



27 **and shall not receive any payment pursuant to this subsection.**

247.215. 1. The board of directors of any public water supply district which is  
2 dependent upon purchases of water to supply its needs may sell and convey part or all of its water  
3 mains, plant, real estate, or equipment to any water corporation as defined in section 386.020,  
4 RSMo, if all bonds of the district, whether general obligation bonds constituting a lien on the  
5 property within the district or special obligation or revenue bonds constituting a lien on the  
6 income and revenues arising from the operation of the water system:

7 (1) Are to be paid in full, or

8 (2) A sum sufficient to pay all of such bonds together with interest accrued or to accrue  
9 thereon, together with all other items of expense incident to the payment of such bonds, shall be  
10 set aside from the proceeds of said sale and deposited with the fiscal agent named in the bonds  
11 for the purpose of full payment.

12 2. After the board of directors of any public water supply district has entered into a  
13 contract to sell part or all of its water mains, plant, real estate or equipment, pursuant to this  
14 section, an application shall be made by said board of directors to the circuit court which  
15 originally incorporated the district, which application shall set forth a copy of the contract  
16 entered into by the parties, and the facts concerning the bondholders and their rights, and  
17 requesting an order of the court approving or disapproving the contract.

18 3. Upon the filing of the application, the court shall set a time for the hearing thereof and  
19 shall order a public notice setting forth the nature of the application, a description of the property  
20 to be sold, and the time and place for the hearing, to be published for three weeks consecutively,  
21 in a newspaper of general circulation in the county in which the application is pending, the last  
22 publication to be not more than five days before the date set for the hearing.

23 4. If the court finds that the contract provides for the sale of all of the mains, plants, real  
24 estate and equipment of the district and protects the bondholders' rights, and also provides for  
25 the rendering of the necessary water service in the territory embracing the district, and is in the  
26 best interest of the residents and property owners of the district, it shall, by its decree, approve  
27 the contract and order dissolution of the district, provided that such dissolution is assented to by  
28 a two-thirds majority of the voters of the district, voting on the question and provided further,  
29 that the dissolution of the district shall not become final until after all its debts have been paid  
30 and the disposition of funds of the district has been fully carried out as hereinafter provided to  
31 the satisfaction of the court, after which a final decree may be entered.

32 **5. If such water supply district has had general obligation bonds outstanding within**  
33 **five years preceding the date of assent of a two-thirds majority of the voters of the district**  
34 **approving the dissolution of the district,** such water supply district shall not be finally  
35 dissolved, upon the sale of all of its assets, until final liquidation thereof and until the trustees

36 of the district have first paid to the collector of the county, or counties, in which the district is  
37 located all of its remaining funds which shall be applied pro rata toward the payment and  
38 satisfaction of the taxes of the residents and property owners of the district on their respective  
39 personal and real property tax bills for the next ensuing year or years. In the event that the sum  
40 of money so paid to the collector would amount to less than the equivalent of one cent reduction  
41 in the tax rate and thus impose upon the collector a cost burden in excess of the money so paid,  
42 then and in that event said funds shall be paid over to the treasurer of the various school districts  
43 having real estate within the said water supply district in the ratio that the assessed valuation of  
44 such school district bears to the whole assessed valuation of the water supply district.

45 **6. If such water supply district has not had general obligation bonds outstanding**  
46 **within five years preceding the date of assent by a two-thirds majority of the voters of the**  
47 **district approving the dissolution of the district, such water supply district shall not be**  
48 **finally dissolved, upon the sale of all of its assets, until final liquidation thereof and until**  
49 **the trustees of the district have first paid to the water users of the district as of the date of**  
50 **such assent all of the remaining funds of the district on a pro rata basis. For purposes of**  
51 **this subsection, any purchaser of water from such district for resale and any purchaser of**  
52 **water who has not purchased water from the district continuously for twelve consecutive**  
53 **months immediately preceding the date of such assent shall not be considered a water user**  
54 **and shall not receive any payment pursuant to this subsection.**

247.217. 1. Any two or more contiguous public water supply districts organized under  
2 the provisions of sections 247.010 to 247.220 may be consolidated into a single district by a  
3 decree of the circuit court in which the district with the largest acreage was originally  
4 incorporated and organized.

5 2. Proceedings for consolidation of such districts shall be substantially as follows: The  
6 board of directors of each of the districts to be consolidated shall authorize, by resolution passed  
7 at a regular meeting or a special meeting called for such purpose, its president, on behalf of the  
8 district, to petition the circuit court having jurisdiction for consolidation with any one or more  
9 other contiguous public water supply districts.

10 3. Such petition shall be filed in the circuit court having jurisdiction and the court shall  
11 set a date for a hearing thereon and the clerk shall give notice thereof in some newspaper of  
12 general circulation in each county in which each of the districts proposed to be consolidated is  
13 located.

14 4. Such notice shall be substantially as follows:

15 IN THE CIRCUIT COURT OF .....

16 COUNTY, MISSOURI

17 NOTICE OF THE FILING OF A PETITION FOR

CONSOLIDATION OF PUBLIC WATER SUPPLY  
DISTRICT NO. ....., OF ..... COUNTY,  
MISSOURI, AND PUBLIC WATER SUPPLY DISTRICT  
NO. ....., OF ..... COUNTY, MISSOURI

(Additional districts may be named as required.)

To all voters, **landowners, and interested persons** within the boundaries of the  
above-described public water supply districts:

You are hereby notified:

1. That a petition has been filed in this court for the consolidation of the  
above-named public water supply districts into one public water supply district, as provided  
by law.

2. That a hearing on said petition will be held before this court on the..... day of.....,  
[19]20...., at...., ....m.

3. Exceptions or objections to the consolidation of said districts may be made by any  
voters **or landowners** of any of such districts proposed to be consolidated, provided such  
exceptions or objections are filed in writing not less than five days prior to the date set for the  
hearing on the petition.

4. The names and addresses of the attorneys for the petitioner are:

.....

Clerk of the Circuit Court of  
..... County, Missouri

5. The notice shall be published in three consecutive issues of a weekly newspaper in  
each county in which any portion of any district proposed to be consolidated lies, or in lieu  
thereof, in twenty consecutive issues of a daily newspaper in each county in which any  
portion of any district proposed to be consolidated lies; the last insertion of such notice to be  
made not less than seven nor more than twenty-one days before the hearing.

6. The court, for good cause shown, may continue the case or the hearing thereon  
from time to time until final disposition thereof.

7. Exceptions or objections to the consolidation of such districts may be made by any  
voter **or landowner** within the boundaries of the proposed district. The exceptions or  
objections shall be in writing and shall specify the grounds upon which the same are made  
and shall be filed not later than five days before the date set for hearing the petition. If any  
such exceptions or objections are filed, the court shall take them into consideration in passing  
upon the petition for consolidation and shall also consider the evidence in support of the  
petition. If the court finds that the consolidation will provide for the rendering of necessary  
water service in the districts, and is in the best interest of the voters **and the landowners** of

54 the district, it shall, by its decree, approve such consolidation. The decree of consolidation  
55 shall set an effective date for the consolidation of the districts and shall provide that the  
56 proposed consolidated district shall be divided into five subdistricts and shall fix boundary  
57 lines of each subdistrict, all of which subdistricts shall have approximately the same area and  
58 shall be numbered.

59 8. The decree of consolidation shall not become final and conclusive until it has been  
60 submitted to voters in each of the districts proposed to be included in the consolidated  
61 district.

62 9. If, upon canvass and declaration of the results, it is found and determined that the  
63 question has been assented to by a majority of the voters of each district voting on the  
64 question, the court shall issue its order declaring the results of the elections, declaring its  
65 previous decree of consolidation to be final and conclusive, and in addition, the decree shall  
66 provide for an election of a director from each of the subdistricts set forth in the decree of the  
67 court as specified in subsection 7 of this section. The terms of office for the directors elected  
68 at such election shall be as follows: The director elected from the subdistrict designated by  
69 the circuit court as number one shall serve until the next regular election, or until his  
70 successor has been elected and qualified; those directors elected from the subdistricts  
71 designated by the circuit court as numbers two and three shall serve until the regular election  
72 following the next regular election or until their successors have been elected and qualified;  
73 those directors elected from the subdistricts designated by the circuit court as numbers four  
74 and five shall serve until the annual regular election following the next two regular elections,  
75 or until their successors have been elected and qualified. Thereafter all directors shall be  
76 elected as provided by sections 247.010 to 247.220. The election shall be held at least thirty  
77 days before the effective date of the consolidation. The returns shall be certified by the  
78 judges and clerks of election to the circuit court having jurisdiction and the court shall  
79 thereupon enter its order naming the directors from each subdistrict.

80 10. The eligibility and requirements for a director for a consolidated district shall be  
81 identical with those set forth in section 247.060 and no two members of the board shall reside  
82 in the same subdistrict. Any candidate shall have his name imprinted upon the ballot,  
83 provided he shall file a declaration of intention to become such a candidate with the clerk of  
84 the circuit court.

85 11. In its final decree, the court shall designate a name for the consolidated district  
86 which shall be as follows: Consolidated Public Water Supply District No. ....., of.....  
87 County, Missouri.

88 12. On the effective date of the consolidation of the districts, the newly elected  
89 directors shall organize in the same manner as is provided in sections 247.010 to 247.220,

90 and all of such provisions shall apply to consolidated public water supply districts in the same  
91 manner as to other public water supply districts.

92 13. At the time of the effective date of the consolidation, all the property of the  
93 original districts shall be combined and administered as one unit, which shall be subject to  
94 the liens, liabilities and obligations of the original districts, provided that if any district  
95 included in the consolidated district has issued general obligation bonds which are  
96 outstanding at the time of the consolidation, any taxes to be levied to pay the bonds and  
97 interest thereon shall be levied only upon the property within the original district issuing the  
98 bonds as it existed on the date of such issuance. All special obligation or revenue bonds  
99 issued by any district included in the consolidated district shall be paid in accordance with the  
100 terms thereof, without preference, from the revenue received by the consolidated district.

101 14. A certified copy of the decrees of the court shall be filed in the office of the  
102 recorder and in the office of the county clerk in each county in which any part of the  
103 consolidated district is located, and in the office of the secretary of state. Such copies shall  
104 be filed by the clerk of the circuit court and the filing fees shall be taxed as costs.

247.220. 1. Proceedings for the dissolution of a public water supply district shall be  
2 substantially the same as proceedings for the formation of such a district, as follows: A  
3 petition describing the boundaries of the district sought to be dissolved shall be filed with the  
4 clerk of the circuit court of the county wherein the subject district is situate, or with the clerk  
5 of the circuit court of the county having the largest acreage within the boundaries of the  
6 subject district, in the event that the subject district embraces lands in more than one county.  
7 Such petition, in addition to such boundary description, shall allege that further operation of  
8 the subject district is inimicable to the best interests of the inhabitants of the district, that the  
9 district should, in the interest of the public welfare and safety, be dissolved, that an  
10 alternative water supplier is available and better able to supply water to the inhabitants of the  
11 district, and such other information as may be useful to the court in determining whether [or  
12 not] the petition should be granted and a decree of dissolution entered. Such petition shall  
13 **also include a detailed plan for payment of all debt and obligations of the district at the**  
14 **time of dissolution. Such petition shall** be accompanied by a cash deposit of fifty dollars as  
15 an advancement of the costs of the proceeding and the petition shall be signed by not less  
16 than one-fifth of the registered voters from each subdistrict, or fifty registered voters from  
17 each subdistrict, whichever is less, within the subject district. The petition shall be verified  
18 by at least one of the signers thereof **and shall be served upon the board of directors of the**  
19 **district as provided by law. The district shall be a party, and if the board of directors**  
20 **in its discretion determines that such dissolution is not in the public interest, the district**  
21 **shall oppose such petition and pay all cost and expense thereof.**

22           2. Upon the filing of the petition, the same shall be presented to the circuit court, and  
23 such court shall fix a date for a hearing on such petition, as provided in this section.  
24 Thereupon, the clerk of the court shall give notice of the filing of the petition in some  
25 newspaper of general circulation in the county in which the proceedings are pending, and if  
26 the district extends into any other county or counties, such notice shall also be published in  
27 some newspaper of general circulation in such other county or counties. The notice shall  
28 contain a description of the subject boundary lines of the district and the general purposes of  
29 the petition, and shall set forth the date fixed for the hearing on the petition, which shall not  
30 be less than [fifteen] **seven** nor more than twenty-one days after the date of the last  
31 publication of the notice and shall be on some regular judicial day of the court wherein the  
32 petition is pending. Such notice shall be signed by the clerk of the circuit court and shall be  
33 published in three successive issues of a weekly newspaper or in twenty successive issues of  
34 a daily newspaper.

35           3. The court, for good cause shown, may continue the case or the hearing thereon  
36 from time to time until final disposition thereof.

37           4. Exceptions to the dissolution of a district may be made by any voter **or landowner**  
38 of the [subject] district[:], **and by the district as herein** provided[.]; such exceptions [are]  
39 **shall be** filed not less than five days prior to the date set for the hearing on the petition. Such  
40 exceptions shall specify the grounds upon which the exceptions are filed and the court shall  
41 take them into consideration in passing upon the petition and shall also consider the evidence  
42 in support of the petition and in support of the exceptions made. **Unless petitioners prove**  
43 **absolutely that all debts and financial obligations of the district can be paid in full upon**  
44 **dissolution, the petition shall be dismissed at the cost of the petitioners.**

45           5. Should the court find that it would not be to the public interest to dissolve a  
46 district, the petition shall be dismissed at the costs of the petitioners. If, however, the court  
47 should find in favor of the petitioners, the court shall enter its interlocutory decree of  
48 dissolution which decree shall provide for the submission of the question to the voters of the  
49 district in substantially the following form:

50           Shall .... Public Water Supply District be dissolved?

51           6. The decree of dissolution shall not become final and conclusive until it shall have  
52 been submitted to the voters residing within the boundaries described in such decree and until  
53 it shall have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the  
54 district voting on the proposition. The decree shall provide for the submission of the  
55 question and shall fix the date thereof. The returns shall be certified by the election authority  
56 to the circuit court having jurisdiction in the case and the court shall thereupon enter its order  
57 canvassing the returns and declaring the result of such election.

58           7. If, upon canvass and declaration, it is found and determined that the question shall  
59 have been assented to by a majority of [four-sevenths] **two-thirds** of the voters of the district  
60 voting on such proposition then the court shall, in such order declaring the result of the  
61 election, enter a further order declaring the decree of dissolution to be final and conclusive.  
62 In the event, however, that the court should find that the question had not been assented to by  
63 the majority required, the court shall enter a further order declaring such decree of dissolution  
64 to be void and of no effect. No appeal shall lie from any of the aforesaid orders. In the event  
65 that the court declares the decree of dissolution to be final, as provided in this section, the  
66 clerk of the circuit court shall file certified copies of such decree of dissolution and of such  
67 final order with the secretary of state of the state of Missouri, and with the recorder of deeds  
68 of the county or counties in which the district is situate and with the clerk of the county  
69 commission of the county or counties in which the district is situate.

70           8. Notwithstanding anything in this section to the contrary, no district shall be  
71 dissolved until after all of its debts shall have been paid, and the court, in its decree of  
72 dissolution, shall provide for the disposition of the property of the district.